

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Gunars VALKIRS, et al.

Serial Number: 10/714,078

Filing Date: November 14, 2003

Title: DIAGNOSTIC MARKERS OF STROKE
AND CEREBRAL INJURY AND
METHODS OF USE THEREOF

Group Art Unit: 1641

Examiner: Lisa V. Cook

CONFIRMATION NO: 2621

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Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

An Information Disclosure Statement along with attached PTO/SB/08 is hereby submitted with a Request for Continued Examination (RCE) under §§1.114. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

The Examiner is requested to review the information provided and to make the information of record in the above-identified application. The Examiner is further requested to initial and return the attached PTO/SB/08 in accordance with MPEP §609.

The right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered, is hereby reserved.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A. 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

(1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --

(2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;
-- OR --

(3) It is being filed before the mailing of a first Office action on the merits;
-- OR --

(4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B. 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

a statement as specified in §1.97(e) provided concurrently herewith;
-- OR --

a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C. 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

i. a statement as specified in §1.97(e);
-- AND --

ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. 37 CFR §1.97(e). Statement.

A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
-- AND/OR --

A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);
-- AND/OR --

A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E. Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and set forth in M.P.E.P. § 2001.06(b), Applicants wish to bring to the Examiner's attention the patents and co-pending United States applications which may be related to the instant application and may be material to patentability, listed below. The chart below is designed to assist the Examiner in the evaluation of the instant application. The status information, complied from PAIR, is believed to be current as of May 19, 2008, and is subject to change. Copies of the published applications, if applicable, have been cited in a previous Information Disclosure Statement and/or are cited herein and listed on the attached PTO Form SB/08.

| No. | U.S. Serial No. | Attorney Docket No. | U.S. Publication No. | PAIR Status | Status Date | Examiner |
|-----|-----------------|---------------------|----------------------|--|-------------|--------------------|
| 1. | 11/512,743 | 36671-718.201 | US 2007-0218498 A1 | Docketed New Case- Ready for Examination | 9/29/2007 | James L. Grunn |
| 2. | 08/423,582 | 36671-726.201 | 5,574,779 | Patented Case | 11/1/1996 | Harry S. Hong |
| 3. | 09/687,051 | 36671-726.301 | 6,991,907 | Patented Case | 1/11/2006 | Gailene Gabel |
| 4. | 10/850,954 | 36671-726.302 | US 2005-0164317 | Non Final Action Mailed | 7/28/2005 | Gailene Gabel |
| 5. | 09/349,194 | 36671-726.401 | 6,939,678 | Patented Case | 8/17/2005 | Gailene Gabel |
| 6. | 09/425,318 | 36671-726.402 | 6,579,687 | Patented Case | 5/29/2003 | Gailene Gabel |
| 7. | 11/673,397 | 36671-726.404 | US 2007-0196880 A1 | Docketed New Case-- Ready for Examination | 9/22/2007 | Bao Thuy Nguyen |
| 8. | 08/633,248 | 36671-726.501 | 6,174,686 | Patented Case | 12/26/2000 | Bao Thuy Nguyen |
| 9. | 08/769,077 | 36671-726.502 | 6,627,404 | Patented Case | 9/11/2003 | Bao Thuy Nguyen |
| 10. | 08/821,888 | 36671-732.201 | 5,947,124 | Patented Case | 8/30/1999 | Kelly S. Campen |
| 11. | 07/076,038 | 36671-735.201 | 4,900,662 | Patented Case | 12/11/1989 | Not Defined |
| 12. | 08/083,853 | 36671-735.301 | 5,382,515 | Patent Expired Due to Non- payment of Maintenance Fees Under 37 CFR 1.362 | 2/19/2003 | Toni Scheiner |
| 13. | 08/083,854 | 36671-735.302 | 5,382,522 | Patent Expired Due to Non- payment of Maintenance Fees Under 37 CFR 1.362 | 2/19/2003 | Toni Scheiner |
| 14. | 07/299,277 | 36671-735.501 | 5,202,234 | Patent Expired Due to Non- payment of Maintenance Fees Under 37 CFR 1.362 | 5/12/2005 | Carol Spiegel |
| 15. | 11/204,764 | 36671-738.201 | US 2006-0105419 A1 | Awaiting Appeal BPAI Docketing | 4/23/2008 | Bin Shen |

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|-----|------------|---------------|--------------------|---|------------|------------------|
| 16. | 08/993,750 | 36671-741.201 | 6,156,521 | Patented Case | 11/16/2000 | Bao Thuy Nguyen |
| 17. | 09/835,298 | 36671-742.201 | US 2003-0022235 A1 | On Appeal-- Awaiting Decision by the Board of Appeals | 1/9/2008 | Ann Lam |
| 18. | 10/389,720 | 36671-742.401 | US 2004-0171064 A1 | Final Rejection Mailed | 4/28/2008 | Christine Foster |
| 19. | 10/225,082 | 36671-743.201 | US 2003-0119064 A1 | Notice of Allowance Mailed-- Application Received in Office of Publications | 5/16/2008 | Gary Counts |
| 20. | 10/371,149 | 36671-743.501 | US 2003-0199000 A1 | Response to nonfinal Office Action filed | 4/4/2008 | Gary Counts |
| 21. | 10/673,077 | 36671-743.502 | US 2004-0209307 A1 | RCE Filed | 6/4/2008 | Lisa Cook |
| 22. | 10/875,800 | 36671-743.504 | US 2005-0255484 A1 | RCE Filed | 6/11/2008 | Lisa Cook |
| 23. | 12/090,785 | 36671-743.831 | | Application Undergoing Preexam Processing | 4/18/2008 | |
| 24. | 10/139,086 | 36671-744.201 | US 2003-0109420 A1 | Patented Case | 4/2/2008 | Ann Lam |
| 25. | 11/560,425 | 36671-744.301 | US 2008-0045444 A1 | Application Dispatched from Preexam, Not Yet Docked | 11/12/1007 | |
| 26. | 11/205,571 | 36671-744.401 | US 2006-0063204 A1 | Patented Case | 3/26/2008 | Ann Lam |
| 27. | 11/963,713 | 36671-744.402 | | Application Undergoing Preexam Processing | | |
| 28. | 10/419,059 | 36671-744.501 | US 2003-0219734 A1 | Final Rejection Mailed | 4/14/2008 | Christine Foster |
| 29. | 10/645,874 | 36671-744.502 | US 2004-0176914 A1 | Response to Non-Final Office Action Entered and Forwarded to Examiner | 6/6/2007 | Long Le |
| 30. | 10/938,760 | 36671-744.503 | US 2005-0148024 A1 | Non Final Action Mailed | 3/15/2008 | Ann Lam |
| 31. | 10/827,919 | 36671-744.504 | US 2005-0064511 A1 | Patented Case | 2/20/2008 | Ann Lam |
| 32. | 10/330,696 | 36671-745.201 | US 2003-0176814 A1 | Patented Case | 4/1/2004 | Kevin Lee |

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|-----|------------|---------------|--------------------|---|------------|--------------------|
| 33. | 10/728,067 | 36671-745.501 | US 2004-0203083 A1 | Non Final Action Mailed | 4/17/2008 | Unsu Jung |
| 34. | 10/603,891 | 36671-745.502 | US 2004-0253637 A1 | Non Final Action Mailed | 4/4/2008 | Unsu Jung |
| 35. | 11/795,173 | 36671-748.831 | | Application Undergoing Preexam Processing | | |
| 36. | 10/331,127 | 36671-749.201 | US 2004-0126767 A1 | On Appeal-- Awaiting Decision by the Board of Appeals | 2/19/2008 | Carolyn Smith |
| 37. | 10/410,572 | 36671-749.202 | US 2004-0121350 A1 | Non Final Action Mailed | 3/26/2008 | Russell S. Negin |
| 38. | 11/222,494 | 36671-751.201 | US 2006-0051825 A1 | Non Final Action Mailed | 1/11/2008 | James Leslie Grunn |
| 39. | 11/450,150 | 36671-753.201 | US 2007-0269836 A1 | Docketed New Case Ready for Examination | 11/9/2007 | Christine Foster |
| 40. | 11/684,498 | 36671-755.201 | US 2007-0224643 A1 | Docketed New Case Ready for Examination | 5/8/2008 | Lisa Cook |
| 41. | 11/752,135 | 36671-756.201 | US 2008-0118924 A1 | TSS Review Complete | 5/1/2008 | |
| 42. | 11/645,901 | 36671-775.201 | | Waiting for LR Clearance | 6/12/2007 | |
| 43. | 11/940,111 | 36671-779.201 | | Application Undergoing PreExam Processing | 11/14/2007 | |
| 44. | 08/459,596 | 36671-781.401 | 5,843,690 | Patented Case | 10/25/2004 | Carol Spiegel |

I. 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND

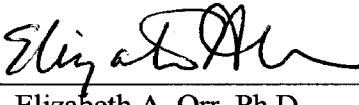
The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

J. *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees that may be required to maintain the pendency of this application or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 36671-743.503).

Respectfully submitted,

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Dated: June 17, 2008

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